

REMARKS

Status of the Claims

After entry of the instant Amendment, claims 1-4, 6-9 and 11-15 are pending in the present application. Claims 11-15 have been withdrawn as being directed toward non-elected inventions. Claims 1, 6 and 11 are independent.

Claims 5 and 10 have been cancelled without prejudice or disclaimer of the subject matter contained therein. Claims 1-4 and 6-9 have been amended and the amendments find supported throughout the Specification, as filed. Thus, no new matter has been added by way of amendment to the claims.

Reconsideration of this application, as amended, is respectfully requested.

Priority Under 35 U.S.C. § 119

Applicants thank the Examiner for acknowledging Applicants' claim for foreign priority under 35 U.S.C. § 119, and receipt of certified copies of the priority documents.

Information Disclosure Citations

Applicants thank the Examiner for considering the references cited in the Information Disclosure Statements filed February 3, 2009; April 18, 2008; October 10, 2007; January 16, 2004; and November 5, 2003; and for providing Applicants with initialed copies of the PTO-SB08 forms filed therewith.

Drawings

Since no objection has been received, Applicants assume that the drawings are acceptable and that no further action is necessary. Confirmation thereof in the next Office Action is respectfully requested.

Restriction Requirement

The Examiner has acknowledged the response to the Restriction Requirement, and has withdrawn claims 11-15 from consideration.

Rejection under 35 U.S.C. § 101

Claims 1-10 stand rejected under 35 U.S.C. § 101, because the claimed invention is alleged to be directed to non-statutory subject matter. Claims 5 and 10 have been cancelled and their rejection is moot. The rejection of claims 1-4 and 6-9 is respectfully traversed.

In the Office Action at page 3, it is alleged that the claims “are not directed to a machine or a composition of matter – there are no physical parts in the system addressed in the claim, the only limitations are descriptions of method steps,” and this allegation is relied on to reject the claims under 35 U.S.C. § 101. Claims 1 and 6, as amended, recite machine/apparatus components (*i.e.*, a data input device, a display device, a controller, and a computer readable medium) and thus, set forth statutory subject matter.

Accordingly, reconsideration and withdrawal of this rejection are respectfully requested.

Rejection Under 35 U.S.C. § 102(e)

Claims 1 and 6 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Kovatchev et al., U.S. Patent No. 7,025,425 (“Kovatchev”) or Iliff, U.S. Patent No. 6,022,315 (“Iliff”).

This rejection is respectfully traversed.

Neither Kovatchev nor Iliff discloses all of the elements of amended independent claims 1 and 6 (and their dependent claims 2-4 and 7-9) and therefore, cannot anticipate the claimed invention. After amendment, claims 1-4 and 6-9 recite "simulating a pathophysiologic condition after treatment by giving the generated biological model a predetermined treatment based on a virtual treatment policy" and "outputting the pathophysiologic condition of the patient, the generated diagnosis support information and the simulated pathophysiologic condition after treatment," and these elements are not taught by Kovatchev or Iliff.

Accordingly, reconsideration and withdrawal of this rejection are respectfully requested.

Rejection under 35 U.S.C. §103(a)

Claims 1-10 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Iliff in view of Yki-Järvinen, H., “Glucose Toxicity,” Endocrine Reviews, 1992, Vol. 13, No. 3, pages 415-431 (“Yki-Järvinen”). Claims 5 and 10 have been cancelled and their rejection is now moot. The rejection of claims 1-4 and 6-9 is respectfully traversed.

Just as with Iliff (discussed above), Yki-Järvinen also does not disclose "simulating a pathophysiologic condition after treatment by giving the generated biological model a predetermined treatment based on a virtual treatment policy" and "outputting the pathophysiologic condition of the patient, the generated diagnosis support information and the simulated pathophysiologic condition after treatment," as recited in claims 1-4 and 6-9.

Thus, the combined teachings of Iliff and Yki-Järvinen do not teach every element of the claimed invention, and Applicants respectfully request that the rejection of claims 1-4 and 6-9 as being unpatentable over Iliff in view of Yki-Järvinen be withdrawn.

CONCLUSION


All of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicants therefore respectfully request that the Examiner reconsider all presently outstanding rejections and that they be withdrawn. It is believed that a full and complete response has been made to the outstanding Office Action, and as such, the present application is in condition for allowance.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Linda T. Parker, Ph.D., Registration No. 46,046, at the telephone number of the undersigned below to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Director is hereby authorized in this, concurrent, and future replies to charge any fees required during the pendency of the above-identified application or credit any overpayment to Deposit Account No. 02-2448.

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Respectfully submitted,

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